

OGC HAS REVIEWED.

27 April 1956

MEMORANDUM FOR: Mr. Houston

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SUBJECT

1. Chapter 14, "Retirement of Civil Service Employees", of Title 5 of the Code applies "to all officers and employees in or under the executive, judicial and legislative branches of the United States Government" except those subject to another retirement system and those excluded by the President (5 USCA 693(a)). Under section 691, any officer or employee to whom a number of listed sections (including 693) apply and who meets the age and service requirements of the section shall "upon separation from the service, be paid an annuity" of a prescribed amount. Under section 732 officers and employees who have rendered 5 years of service, but less than 20 years, and "become separated from the service" shall be paid, "as he may elect", a deferred annuity or "the total amount credited to his individual account together with interest" at 3%.

2. Subsections 740(c) and (d), enacted in 1954, provide that annuities shall not be paid any officer or employee of the Government who:

- a. has been convicted of any of a number of offenses spelled out in section 740(c);
- b. has failed or refused to appear, testify, or produce documents "with respect to his service as an officer or employee of the Government or with respect to any relationship which he has had or has with a foreign government, in any proceeding before a Federal grand jury, court of the United States, or congressional committee"; or
- c. "in connection with his application for an office or position in or under the executive, legislative or judicial branch of the Government of the United States or the Government of the District of Columbia", has knowingly and willfully made any false, fictitious or fraudulent statement or representation or concealed any material fact with respect to:
  - (1) his past or present membership in support of, etc., the Communist party or any other group advocating the overthrow by force, violence, or other unconstitutional means the Government of the United States, the establishment

in the United States of a Communist totalitarian dictatorship or the right to strike against the Government;

(2) conviction of any offense prescribed in section 740(c); or

(3) failure or refusal to appear, testify, or produce any document specified in section 740(d).

Under section 740(e) amounts contributed toward an annuity the benefits of which are denied under section 740 shall be returned to the individual and the 20 year limit (paragraph 1 above) does not apply.

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Assistant General Counsel